

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

DC Operating, LLC, d/b/a Dreams;  
Nuvia Heidi Medina; and Michelle Corral;  
*Plaintiffs,*

v.

CIVIL ACTION NO. 3:22-CV-00010

Ken Paxton, in his official capacity as  
Attorney General of the State of Texas;

Ed Serna, in his official capacity as Executive  
Director of the Texas Workforce;  
Commission;

\_\_\_\_\_, Commissioner of the Texas  
Department of the Licensing and Regulation,  
Commission of Licensing and Regulation,  
in their official capacity as Commissioner  
of the Licensing and Regulation;

Ricardo A. Samaniego, in his official capacity  
As County Judge of El Paso County, Texas;  
and

Richard D. Wiles, in his official capacity as  
Sheriff of El Paso County, Texas;  
*Defendants.*

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**DEFENDANTS' NOTICE OF REMOVAL**

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Defendants Ed Serna in his official capacity as Executive Director of the Texas Workforce Commission; Ken Paxton, in his official capacity as Attorney General of the State of Texas; and an unnamed Commissioner of the Texas Department of Licensing and Regulation (“TDLR”) in his/her official capacity as Commissioner of the Texas Department of Licensing and Regulation, (collectively, “State Defendants”); and Ricardo A. Samaniego in his official capacity as County Judge of El Paso County, Texas; and Richard D. Wiles in his official capacity as Sheriff of El Paso County, Texas (collectively, “County Defendants”) now file this Notice of Removal and respectfully show the

following:

### **BACKGROUND**

1. On December 13, 2021, Plaintiffs DC Operating, LLC, doing business as Dreams, Nuvia Heidi Medina, and Michell Corral filed suit against the State Defendants and the County Defendants in the El Paso County Court at Law 6, challenging the constitutionality of Senate Bill 315's (S.B. 315") age-related amendments to provisions of the Texas Civil Practice and Remedies Code, Texas Labor Code, and enacted Texas Penal Code.

2. The case was subsequently assigned to El Paso County Court at Law No. 6, El Paso County, Texas, under Case Number 2021-DCV-4233. The State Defendants and County Defendants now file this timely Notice of Removal.

### **BASIS FOR REMOVAL**

3. Removal is proper under 28 U.S.C. Sections 1331 and 1367. Plaintiffs bring claims under 42 U.S.C. Section 1983, challenging the constitutionality of Texas Senate Bill 315 and the laws amended thereunder, under the First Amendment, and the Due Process and Equal Protection Clauses of the Fourteenth Amendment. Plaintiffs further challenge SB315 under the Due Course of Law and Equal Protection Clauses of the Texas Constitution. Plaintiffs seek declaratory and injunctive relief, as well as attorneys' fees.

4. Venue is proper in the United States District Court for the Western District of Texas, El Paso Division, under 28 U.S.C. Section 1441(a) because the state court where suit was filed is located within this District and Division.

5. Copies of all process, pleadings, and orders served upon, or by Defendants in the state suit are being filed with this notice as required by 28 U.S.C. § 1446(a).

6. The unnamed TDLR Commissioner was served on December 17, 2021. Commissioner Serna and Attorney General Paxton were served on December 20, 2021. Judge Samaniego was served on

December 17, 2021, and Sheriff Wiles was served on December 20, 2021. Defendants' removal is timely because it is being filed prior to the removal statute's thirty-day deadline. 28 U.S.C. § 1446(b).

7. The State Defendants and County Defendants unanimously initiate and consent to this removal, and the undersigned counsel represents said Defendants as set out herein below.

8. State Defendants will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

### **CONCLUSION**

The State Defendants and the County Defendants have satisfied all prerequisites to removal. Accordingly, the State Defendants and the County Defendants respectfully ask the Court to remove this suit to the United States District Court for the Western District of Texas, El Paso Division.

Respectfully submitted.

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Attorney General of Texas

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First Assistant Attorney General

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Deputy First Assistant Attorney General

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THOMAS A. ALBRIGHT  
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/s/ Ryan G. Kercher  
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*Counsel for the County Defendants*

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document was served upon Plaintiff's counsel of record through the Court's CM/ECF system on January 4, 2022 to:

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/s/ Ryan G. Kercher

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